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SMALL BUSINESS COMPLIANCE GUIDE

Amendment to Subtitle 02 Fisheries Service

Regarding the Department's Regulations for Fees for Blue Crabs – Containers and Limits

COMAR 08.02.03.01, .10, .12, .13, and .14

Released October 13, 2023

This Guide is prepared in accordance with the requirements of State Government Article, §10-110, Annotated Code of Maryland. It is intended to help small businesses comply with the revised rules adopted in the above-referenced sections of the Code of Maryland Regulations. This Guide is not intended to replace or supersede these rules, but to facilitate compliance with the rules. Although we have attempted to cover all parts of the rules that might be especially important to small businesses, the coverage may not be exhaustive. This Guide cannot anticipate all situations in which the rules apply.

The Department will clarify or update the text of the Guide as an idea moves through the regulatory process. Direct your comments and recommendations, or calls for further assistance, to Fishing and Boating Services Regulatory Division:

410-260-8300

410-260-8DNR; toll free in Maryland 877-620-8DNR; TTY Users Call via the Maryland Relay

SUMMARY & FAQs

What is being considered?

The Department is considering the following container definitions utilizing inside dimensions for a bushel (recreational and commercial use), a lug (commercial use only), and a barrel (commercial use only).

1. Bushel:
 1. Circular: 18" top diameter x 12" height x 13.5" bottom diameter
 2. Rectangular: 11" height x 19.5" length x 12.5" width
2. Lug: 22-7/8" top length x 14-7/8" top width x 21" bottom length x 13" bottom width x 12-3/8" height
3. Barrel: 20.5" top diameter x 27.5" height x 18" bottom diameter

The Department is considering requiring all commercial hard crab harvest to be held in a defined container, be separated by sex, and prohibit container mixing onboard a vessel. Daily hard crab catch limits by container and license type for commercial crabbers in the Chesapeake Bay and its tributaries will be established by public notice as needed.

The Department is also considering adding commercial daily hard crab catch limits in alternative containers for those limits which are currently defined in regulation only in bushels. The bushel limits would not change and the limits in the alternative containers would be roughly equivalent to the bushels. The daily commercial catch limit for Worcester County would be specified as 25 bushels, 16 lugs, or 10 barrels, and daily hard male crab catch limits for crabs caught from commercial finfish gear would be specified as 2 bushels or 1 lug. Daily hard female catch limits for commercial finfish gear will remain restricted to the daily maximum number of female crabs allowed by the individual's license type as established by public notice.

Why is this change necessary?

Clearly identifying containers will promote compliance and enforceability of daily catch limits, which are used to ensure blue crab harvest from the Chesapeake Bay does not exceed the exploitation fraction thresholds established in Amendment 2 to the Chesapeake Bay Blue Crab Fishery Management Plan. These changes will also provide greater consistency for how male and female crabs are regulated and help simplify the blue crab regulations.

Who will this affect?

Commercial and recreational crabbers in Maryland waters.

Has this change been discussed with stakeholders?

This was discussed with the Tidal Fisheries Advisory Commission and Sportfish Fisheries Advisory Commission at their October 2023 meetings.

What is the specific regulatory action?

Amend Regulation .01, .10, .12, .13, and .14 under COMAR 08.02.03 Blue Crabs.

II. RECORDKEEPING AND REPORTING REQUIREMENTS

This action would not create new recordkeeping or reporting requirements.

III. IMPLEMENTATION DATE

The Department projects that this change could be effective in the winter/spring of 2024. However, the exact date cannot be determined. The Department will follow our normal proposal procedures if this concept moves forward.

This idea is in the scoping process (October 13—October 29, 2023). During the scoping process, the Department gathers suggestions and ideas from stakeholders and others about how to solve a fishery problem or address a need. The goal of scoping is to identify issues, potential impacts, and reasonable alternatives associated with the issues so that management actions can be developed. After the public has had an opportunity to comment on possible management actions during the scoping process, the Department considers these comments and develops an appropriate management strategy.

If the action is necessary and appropriate, the rules will be promulgated following the Administrative Procedures Act described in Title 10, Subtitle 1 of the State Government Article Annotated Code of Maryland.

- The General Assembly's Administrative, Executive, and Legislative Review Committee reviews the regulatory proposal for fiscal and legal analysis.
- The proposal is printed by the Division of State Documents in the Maryland Register.
- A 30 day public comment period begins on the day of publication.
- After review of the comments, the Department may adopt the changes.
- If the Department adopts the changes, they become effective after a notice is published in the Maryland Register that announces approval and the effective date.